BILL NO. G-76-03- 06

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GENERAL ORDINANCE NO. G-//-/6

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain street and subdivision.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of certain streets and subdivision having been filed with the Fort Wayne City Plan Commission on February 9, 1976 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1974 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following streets and subdivision, to-wit:

- Lots 1 thru 12 inclusive, and the restrictions thereof, in St. Joe Gardens Addition to the City of Fort Wayne, Allen County, Indiana;
- All of Westchester Drive from the South line of Garden Road to the South line of said Lot # 12;
- The East 1/2 of Westchester Drive from the South line of Said Lot 12 to the South line of the North 1318 feet of Block "A", George L. Ashley Homestead;
- East Shore Drive from the South line of Shoaff Park to the South line of Lot # 12 in St. Joe Gardens Addition to the City of Fort Wayne; and,
- Garden Road from the East bank of the St. Joe River to the East line of Block "A", George L. Ashley's Homestead.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City

APPROVED AS TO FORM AND LEGALITY,

33 34 35 Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

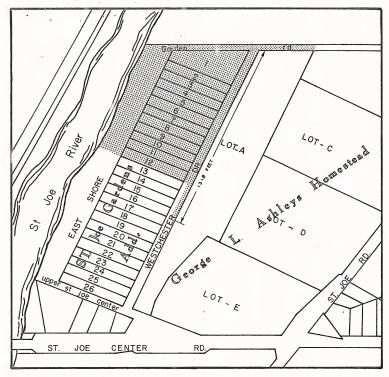
Vivian J. Schmidt

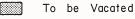
Read the first time in full and an motion by . Delmids seconded by .	
Auga, and duly adopted read the second time by title and referred	
to the Committee on Junance (and the City Plan	
Commission for recommendation) and Public Hearing to be held after due legal notice,	
at the Council Chambers, City-County Building, Fort Mayne, Indiana, on ,	-
the day of, 197, at	-
o'clock P.M., E.S.T.	
Date: 3-9-76 May Water	-₹·
Read the third time in full and on Fotion by Achmitt.	
seconded by Hinga , and duly adopted, placed on its passage.	
Passed (LOSE) by the following vote:	
AYES NAYS ABSTAINED ABSENT TO-HIT	
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BURNS	
HINGA	
HUNTER	
MOSES	
NUCKOLS	
SCHMIDT, D.	-
SCHMIDT, V.	,
STIER	
TALARICO	
DATE: H-13-76 allerallo-less totales	
Passed and adopted by the Common Council of the City of Fort Mayne, Indiana,	
as (Zoning Map) (Gengral) (Annexation) (Special) (Appropriation) Ordinance	
(Resolution) No. 2-1/- 76 on the 13 th day of april , 1976	×
The CLIN GLERK MISTRAN PRESIDENCE OFFICER	-
Presented by we to the Mayor of the City of fort Mayne, Indiana, on the 14	tK
day of	
A. 11. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	
Con Clerk	>
Approved and signed by me this 14th day of pul , 1976,	
at the hour of 5:15 u'clock P. 1155.T.	
JN 44/ H	
Torus Comercians	



BIII NO.	REPORT OF T	HE COMMIT	TEE ON FINAN	ICE	4-	
We. your	Committee on Finance		to whom was		Ordinance	
	Amending General Ordinance No.	G-97 by	authorizing	the vacation	of a certa	ţn
	street and subdivision	-				
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Council :	said Ordinance under considers that said Ordinance G. Schmidt - Chairman		beg leave to	report back	to the Com	non
William	m T. Hinga - Vice-Chairman					
Winfie:	ld C. Moses, Jr.	2	Lu	Dilpes	TR.	
John Ni			bless	Shur	pl	
Samue1	J. Talarico		// Same	01	- 0-	_

G-76-03-06





1-29-76

E-19, F-19

L.S.

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March 2, 1976

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the City of Fort Wayne City-County Building One Main Street Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

- Lots 1 thru 12 inclusive, and the restrictions thereof, in St. Jo Gardens Addition to the City of Fort Wayne, Allen County, Indiana;
- All of Westchester Drive from the South line of Garden Road to the South line of said Lot # 12;
- The East 1/2 of Westchester Drive from the South line of Said Lot 12 to the South line of the North 1318 feet of Block "A", George L. Ashley Homestead:
- East Shore Drive from the South line of Shoaff Park to the South line of Lot # 12 in St. Joe Gardens Addition to the City of Fort Wayne; and,
- Garden Road from the East bank of the St. Joe River to the East line of Block "A", George L. Ashley's Homestead

which was approved by the City Plan Commission at its regular meeting held February 23, 1976.

Sincerely,

CITY PLAN COMMISSION

Ri. adais

Certified and signed this 2nd day of March, 1976.

Joseph N. Adair

Secretary

pr. ATT.

cc: Mayor Armstrong



RESOLUTION

WHEREAS, owners of Lots in St. Joe Garden Addition, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public streets and subdivision in Allen County, Indiana, to-wit:

- Lots 1 through 12 inclusive, and the restrictions thereof, in St. Joe Gardens Addition to the City of Fort Wayne, Allen Countv, Indian;
- All of Westchester Drive from the South line of Garden Road to the South line of said Lot 12;
- The East 1/2 of Westchester Drive from the South line of said Lot 12 to the South line of the North 1318 feet of Block "A", George L. Ashley Homestead:
- East Shore Drive from the South line of Shoaff Park to the South line of Lot 12 in St. Joe Gardens Addition to the City of Fort Wayne; and,
- Garden Foad From the East bank of the St. Joe River to the East line of Block "A", George L. Ashley's Homestead

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assemby of the State of Indiana, Ind. Ann. Stat. $\frac{8}{5}$ 53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on February 9, 1976, at 7:30 o'clock P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public streets and subdivision:

NOW THEREFORE, BE IT RESCLVED by the Fort Wayne City Plan Commission that the vacation of said public street and subdivision hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public streets and subdivision hereimbefore described be and the same is hereby approved;

BE IT FURTHER RESCLVED that the action of the Fort Wayne City

Plan Commission be forwarded to the proper governing body having jurisdiction
of the vacation of streets, alleys and subdivisions in Allen County,

Indiana.

I,Charles N. Hall	, F	President of	the Fort Wayne	
City Plan Commission, do he	reby certify	that attached	d hereto is a ful	L1,
true and correct copy of a	resolution ad	lopted by the	Fort Wayne City	
Plan Commission, following	a public hear	ring of said	Commission held o	on
February 9, 1976	, and as	the same appo	ears of record	
in the official records of	said Plan Cor	mission.		
DATED	MUTS let	DVA UE	Marah	1076

STATE OF INDIANA

9.20

FORT WAYNE CITY PLAN COMMISSION

Charles N. President

PETITION

TO: The Plan Commission of the City of Fort Wayne Fort Wayne, Indiana

> The Common Council of the City of Fort Wayne Fort Wayne, Indiana

The Board of Public Works of the City of Fort Wayne Fort Wayne, Indiana

The undersigned, being the owner of Lots Numbered 1 through 12 inclusive in St. Joe Gardens Addition to the City of Port Wayne, Allen County, Indiana, and the North 1318 feet of Block A in George L. Ashley Homestead, located in Allen County, Indiana, for her petition herein, respectfully requests the Plan Commission of the City of Fort Wayne, Common Council of the City of Fort Wayne, and the Board of Public Works of the City of Fort Wayne to vacate:

- Lots 1 through 13 inclusive, and the restrictions thereon, in St. Joe Gardens Addition to the City of Fort Wayne, Aller County, Inflana;
- All of Westchester Drive from the South line of Garden Road to the South line of said Lot 12;
- The East 1/2 of Westchester Frive from the South line of said lot 12 to the South line of the North 1318 feet of Nicek A. George L. Ashley Homestead;
- East Shore Erive from the South line of Shoeff Park to the South line of Lot 12 in St. Joe Sandens Addition to the City of Fort Wayne; and
- Garden Road from the Fast bent of the St. Joe River to the Fast line of Plock A. George L. Ashley's Homestead.

Petitioner represents to the Plan Countsion of the City of Fort Wayne, the Common Council of the Gity of Fort Wayne and the Board of Public Works of the City of Fort Wayne, that this petition to vacate is made for the numbers of joining with the owners of adjacent real estate to plat the real estate described hereinabove as a part of Shoaff Park River Estates, application for which is now pending with the Flan Commission of the City of Fort Wayne.

Dated Jou 22

1976

Jante & Jant

IT IS TWO BE NOTED THAT A MAJORITY OF THE BELOW PROPERTY OWNERS SIGNED WITH THE PROVISION THAT THE LOT DEMSITY BE DECREASED FROM 75 LOTS TO 55 LOTS USING THE SAME OVERALL AREA OCCUPIED BY THE 75 LOTS SHOWN IN THE PRELININARY PLAT OF SHOAPF PARK RIVER ESTATES.

WAIVER AND CONSENT

The undersigned, being more than 75% of the owners of lots in St. Joe Gardens Addition to the City of Fort Wayne, Allen County, Indiana, hereby waive notice of hearing on the foregoing petition and consent to the vacation of lots and restrictions and parts of Westchester Drive, East Shore Drive and Carden Road, as requested in said potition; provided, however, that such consent shall be affective only for the purpose of platting such real estate as a part of Shoaff Park River Estates as shown in the preliminary plat of Shoaff Park River Estates now pending before the Plan Commission of the City of Fort Wayne.

MARKE LOTS OWNED GREG, MARY WESTON Fotore casses 3063 St. Joe Center Road PRECIONS Act Dessit ALFRED, GRACE JOHNSTON 15 55 PROVIDEN 67 Let Deussty WARREN, DOROTHY BACON 15 55 6020 East Shore Drive PROVIDED Lot & Kogunos DENSITY IS REGINALD, JOAN MCMAHON 55 7645 Cold Spring Boulevard Sheek PROUGED A hot newsity DONALD, JEANETTE SHEEHAN 15 55 (3102 River Forest Drive Precipen Lot ARTHUR, MARJORIE HAMM 5926 East Shore Drive 55 WILLIAM, PAMELA BOGARDUS Peondel 5938 East Shore Drive lot dersity Bogardus MICHAEL, DOAN JOHNSON PROVIDED & Michael Lot Devisity 15 55 Lots

ACKNOWLEDGMENT OF SERVICE

The undersigned, Clerk of the City of Fort Wayne, Indiana, hereby acknowledges that a copy of the foregoing petition was received by him at Fort Wayne, Indiana, this ______ day of ______, 1976.



City Clerk Memorandum

Gary F. Baeten - Land Use Administrator

3-30-76

From....

Charles W. Westerman - City Clerk

Subject Appearance before Common Council Committee Session - April 6, 1976

COPIES TO:

RE: BILL NO. G-76-03-06

AN ORDINANCE amending General Ordinance No. $\,$ G-97 by authorizing the vacation of a certain street and subdivision

Your presence is requested on April 6, 1976, at 7:00 o'clock P.M., Room 128, by the members of Common Council in regard to Bill No. G-76-03-06.

It is also requested that you bring along any material or information you may have which will help them reach a decision regarding the above bill.

Number assigned by Bill soffice: # 3105 Admn. Appr
DEPARTMENT REQUESTING ORDINANCE COMMUNITY DEVELOPMENT AND PLANNING
SYNOPSIS OF ORDINANCE Petitioners are requesting the rezoning of the following described streets and subdivision:
(See description on petition)
<u> </u>
·
EFFECT OF PASSAGE If vacated, streets and vacated subdivision will be
utilized by abutting property owners, for development
EFFECT OF NON-PASSAGE Subdivision will remain platted, and streets will remain open.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)_____

ASSIGNED TO COMMITTEE (J. N.) Finance Ill

None



CITY OF FORT WAYNE

CHARLES W. WESTERMAN CITY CLERK FORT WAYNE, INDIANA

April 15, 1976

Miss Helen Libbing Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of April 19 and April 26, 1976, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, Indiana

Bill No. G-76-03-06 General Ordinance No. G-11-76

Bill No. Z-73-10-34

Zoning Ordinance No. Z-03-76

Please send us five (5) copies of the Publisher's Affidavit from both newspapers. Thank you.

Sincerely,

Charles W. Westerman

City Clerk

CWW/ne ENC: 2

Form Prescribed	d by State Board of Acc	counts		
Common Cour	ncil of Fort Wayn	ne	TO THE NEWS_SENTIN	EL Dr.
	AllenCount	ly, Ind.	FORT WAYNE, IND	IANA
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Notice is hereby given that on the 12 day of April, 1976, this Common Court of the City of Fort Wayne, Indiana, is for the City of Fort Wayne, Indiana, in City of Court of City of Ci	in a ling			
G-11-76 General Ordinance, to-wit; BILL NO. G-76-03-06 GENERAL ORDINANCE NO. G-11- AN ORDINANCE amanding Gena	lines, colum	mns wide equals 113	equivalent lines at 288¢	\$ 32.5
Vacation of a certein street and sub vision. BE IT ORDAINED BY THE CO	l charge for notices	s containing rule or tabula	r work (50 per cent of above	
FORT WAYNE, INDIANA: SECTION 1. Palition for the veceti of certain streets and subdivision hi	or extra proofs of pu	blication (50 cents for each	proof in excess of two)	1.5
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Raad the third time in full and a motion by V. Schmidt, seconded be Hinga, and duly adopted, placed on i	or on oy ts	undersigned		ing duly sworn, says
Ayras: Eight-Burns, Hinga, Hunte Moses, D. Schmidt, V. Schmidt, Stla Talarico	2	NEWS_SE DAILY	NTINEL	
Absent: One Nuckols Date: 4-13-76 Charles W. Westerma	COPY OF	in the English language i	newspaper of general circulation p in the city } of FORT WAYNE, IND	TANA
Passed end adopted by the Commo Council of the City of Fort Wayna, It diene, as General Ordinana No. Co.	EMENT HERE	in state and county afores	aid, and that the printed matter attached	hereto is a true copy.
Absent: One-Nuckois Date: 4-13-76 Charles W. Westerms City Cite Passed end adopted by the Commo council of the City of Fort Wayn. To on the 13th day of Agril 1976. C-1 Affest: (Seel) Charles W. Westerms City City Presiding Office Presented by me to the Mayor of the		as follows:	in said paper for 2 time S, the date /19-26/76	s of publication being
Presented by me to the Mayor of the City of Fort Wayne, indiene, on the Mayor of April, 1976, at the hour.	er no no		750	Gerken
11:00 o'clock A.M., E.S.T. Charles W. Wasterma City Cler Approved and signed by me this 14	in k	Subscribed and sworn to	before me this 26th day on	April 1976
Presented by me to these 3.5th periods 3.5th periods of the City of Fort Wayne, indiene, on the 11th dey of April, 1976, at the hour of 11:00 o'clock A.M. E.S.T. Westerman Approved and signed by me this 14 dey of April, 1976, at the hour of 5:10 o'clock P.M., E.S. Robert E. Armstrom, Mayor May	9	15	Notary Publ	
Nobert E. Armstrom. I. Charles W. Westerman. Clerk in City of Fort Wayne. Indiana, of the City of Common Council on the City of Fort Wayne. Indiana WITNESS my hand, and the otticle and of the City of Fort Wayne. Indiana his the MARLES W. WESTERMAN.	100	My commission expires	September 28, 1979	•
of General Ordinance No. G-11-7 passed by the Common Council on the 13th dey of April, 1976, and that sai				
proved by the Mayor on the 14th day of April 1976 and now ramains on tile en on record in my office. WITNESS my hand, and the office.				
seal of the City of Fort Wayne, Indiane this 14th day of April, 1976. CHARLES W. WESTERMA	A STATE OF THE STA			

Form Prescribed by State Board of Accounts	
Common Council of Fort Wayne	TO THE NEWS-SENTINEL D
(Governmental Unit)	
County, Ind.	FORT WAYNE, INDIANA
PUBLISHER	'S CLAIM
LINE COUNT	
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Total number of lines in notice	_113
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Charge for extra proofs of publication (50 cents for each	h proof in excess of two)
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Number of insertions	Size of quad upon which type is cast. 51
Pursuant to the provision and penalties of Ch. 89, Acts 1967. I hereby certify that the foregoing account is just and correct, that credits, and that no part of the same has been paid. Date	Size of quad upon which type is cast Significant the amount claimed is legally due, after allowing all just Lacker. Title
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